

## REMARKS

Consideration of the application as amended is respectfully requested. By this amendment claims 1-3 have been amended.

### Rejections under 35 USC §103

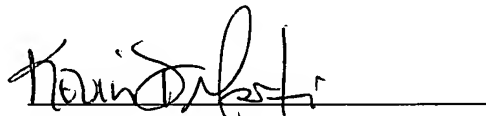
In the office action of May 8, 2003 of the parent case, the Examiner rejected claims 24, 25, and 30-32, now renumbered as claims 1-5 respectively, under 35 USC §103(a) over Suehiro et al. (US 5,719,410), and rejected claim 33, now renumbered as claim 6, under 35 USC §103(a) over Suehiro et al. in view of Ma (US 5,981,403).

The claims as amended are allowable over Suehiro et al. (claims 1-5) and over Suehiro et al. in view of Ma et al. (claim 6). Suehiro et al. requires a donor layer 4 over polysilicon layer 3 to provide nitrogen atoms to convert a portion of polysilicon 3 to silicon nitride. Donor layer 4, by providing nitrogen, is converted to tungsten and then functions as a part of tungsten layer 5 (col 7 lines 24-64) which becomes part of the conductive gate as depicted in FIG. 1D. Thus the present claims, which recite that the upper portion or upper surface of the silicon nitride layer is exposed (claims 1 and 3) or that the oxidizable layer is exposed (claim 2) are allowable over the cited references under 35 USC §103.

### Conclusion

If the Examiner believes a conference will expedite prosecution of this case, the Examiner is cordially invited to call the undersigned. Consideration of the application as amended is respectfully requested.

Respectfully submitted,



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